

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZOILA IGLESIAS, individually and as next friend
of J.R. and K.R. infants,

Plaintiffs,

- against -

**08 Civ. 1595 (AKH)
(ECF CASE)**

JOHN MATTINGLY, individually and as Commissioner,
HELEN COLON, individually and as caseworker,
CARYNE MORENCY, individually and as supervisor,
TRACEY LISSIMORE, individually and as manager,
TAMIKA McCOY, individually and as caseworker,
FLORENCE UBA, individually and as supervisor,
LEAKE & WATTS SERVICES, Inc.,
LIANNE CLARK PARRIS, individually and caseworker,
ZOLA VIOLA, individually and as supervisor,
COALITION FOR HISPANIC FAMILY SERVICES, Inc.,
CITY OF NEW YORK,
and GLADYS CARRION, as Commissioner,

**STATE DEFENDANT'S
NOTICE OF MOTION
TO DISMISS**

Defendants.
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PLEASE TAKE NOTICE that, upon the Amended Complaint dated March 20, 2008, and the accompanying Memorandum of Law, defendant Gladys Carrión, Esq., Commissioner of the New York State OFFICE OF CHILDREN AND FAMILY SERVICES ("State defendant"), by her attorney, ANDREW M. CUOMO, Attorney General of the State of New York, shall move on May 14, 2008, before the Honorable Alvin K. Hellerstein, a Judge of this Court, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order and judgment:

(1) dismissing all claims for damages , state law claims, and claims for declaratory judgment relief concerning past conduct brought against State defendant pursuant to the Eleventh Amendment to the Constitution of the United States and Federal Rule of Civil Procedure Rule 12(b)(1) for lack of subject matter jurisdiction; and

(2) dismissing all claims made against State defendant because they do not present a case or controversy as required by Article III of the Constitution of the United States; and

(3) dismissing the Complaint against State defendant in its entirety pursuant to Federal Rule of Civil Procedure Rule 12(b)(6).

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Local Civil Rule 6.1(b)(2), any opposing affidavits and answering memoranda shall be served within ten business days after service of this moving paper.

Dated: New York, New York
April 7, 2008

Respectfully submitted,

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for State defendant

By: S/
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